

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06-CR-667 CAS
)	
WENDI MARTIN,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the government’s motion for an extension of time to file a notice of appeal. The government states that a timely notice of appeal was filed in a related case, United States v. Donald Carter, S1-4:06-CR-438 CAS, and defendant Martin was inadvertently omitted from that notice. The government states that failure to appeal Martin’s sentence could result in an unwarranted sentencing disparity.

The procedure for filing a notice of appeal in a criminal case is governed by Federal Rule of Appellate Procedure 4(b), which states in pertinent part:

(1) Time for Filing a Notice of Appeal.

....

(B) When the government is entitled to appeal, its notice of appeal must be filed in the district court within 30 days after the later of:

- (i) the entry of the judgment or order being appealed; or
- (ii) the filing of a notice of appeal by any defendant.

....

(4) Motion for Extension of Time. Upon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).

In this case, the judgment dated January 23, 2007 was entered in the docket on January 24, 2007. The thirty-day period for the government to file a notice of appeal expired on February 23, 2007. As less than thirty days have lapsed since that date, the Court has jurisdiction to consider the government's motion for an extension of time. For good cause shown, the government's motion for an extension of time to file a notice of appeal will be granted.

Accordingly,

IT IS HEREBY ORDERED that the government's motion for extension of time to file a notice of appeal is **GRANTED**. [Doc. 19]

IT IS FURTHER ORDERED that the Clerk of the Court shall docket the Notice of Appeal, which was submitted as an attachment to the motion for extension of time.

A handwritten signature in black ink, appearing to read "Charles A. Shaw", is written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 15th day of March, 2007.